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EXAMINER

MANCHO, RONNIE M

ART UNIT PAPER NUMBER

3663

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/056,942

**Applicant(s)**

KOLLS, H. BROCK

**Examiner**

Ronnie Mancho

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/01/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Cannon et al (6408232).

Regarding claim 1, Cannon et al (abstract, fig. 1) disclose a system for wirelessly collecting vehicle data for a vehicle to provide vehicle service recommendations (col. 2, lines 64+) or vehicle replacement part recommendations for the vehicle (col. 6, lines 59-67), said system comprising:

an in-vehicle device (44; figs. 1&2) interconnected with the vehicle to collect the vehicle data (col. 4, lines 31-41);

an analysis device (wireless piconet network 14, col. 2, lines 51-64; col. 5, lines 30-49) to analyze the collected vehicle data and to determine vehicle service recommendations or vehicle replacement part recommendations for the vehicle according to the collected vehicle data (col. 6, lines 59-67; col. 7, lines 29-31, lines 53-58); and

a communication interface device (wireless transceiver 34; col. 3, lines 43-65; col. 6, lines ) for communicating data wirelessly with said in-vehicle device (44; figs. 1&2), said communication interface device (wireless transceiver 16; col. 3, lines 43-65) having a data communication connection (fig. 2; col. 2, lines 51-68) with the analysis device (wireless piconet network 14, col. 5, lines 44-49),

wherein said in-vehicle device (44; figs. 1&2) via said communication interface device (wireless transceiver 34) communicates with said analysis device (wireless piconet network 14, col. 2, lines 51).

Regarding claim 2, Cannon et al (col. 6, lines 33-38) disclose the system in accordance with claim 1, wherein said data analysis device is a global network data processing resource (col. 6, lines 33-38).

Regarding claim 3, Cannon et al disclose the system in accordance with claim 1, wherein said in-vehicle device further comprises:

a vehicle monitor and metering interface for measuring and monitoring vehicle telemetry data (abstract; col. 2, lines 58-64).

Regarding claim 4, Cannon et al (figs. 1-4) disclose the system in accordance with claim 3, wherein said vehicle monitor and metering interface further comprises at least one of the following:

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an accelerometer for measuring or monitoring said vehicle acceleration changes;

a metering device for measuring or monitoring motor revolutions per minute (RPM, col. 7, line 24), vehicle velocity (MPH, col. 7, line 9); or

an odometer for measuring or monitoring said vehicle travel distance.

Regarding claim 5 Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said vehicle includes a vehicle radio, said in-vehicle device further comprises:

a vehicle radio interface for interconnecting said in-vehicle device to said vehicle radio.

Regarding claim 6, Cannon et al (figs. 1-4) disclose the system in accordance with claim 5, wherein said vehicle radio by way of said vehicle radio interface communicates with global network based data processing resources.

Regarding claim 7, Cannon et al (figs. 1-4) disclose the system in accordance with claim 5, wherein said vehicle radio by way of said vehicle radio interface receives satellite location information data communication.

Regarding claim 8, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said in-vehicle device further comprises: an alarm system interface for monitoring said vehicle security status.

Regarding claim 9, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said in-vehicle device is configured for communication with a personal data assistant device, said in-vehicle device further comprises:

a personal data assistant interface for data communication between said in-vehicle device and a personal data assistant device.

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Regarding claim 10, Cannon et al (figs. 1-4) disclose the system in accordance with claim 9, wherein said personal data assistant interface supports at least one of the following protocols and/or standards: WIRELESS APPLICATION PROTOCOL, BLUE TOOTH, WCDMA, GSM, CDMA, CDPD, TDMA, 2G type compliant, 3G type compliant, spread spectrum, a single frequency transceiver, a dual frequency transceiver, INTEL PRO/WIRELESS 5000 LAN, IEEE 802.11, IEEE 802.11A, or IEEE 802.11B.

Regarding claim 11, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said in-vehicle device further comprises: a user interface including a display, and a microphone for enabling a user to issue voice commands to said in-vehicle device.

Regarding claim 12, Cannon et al (figs. 1-4) disclose the system in accordance with claim 11, wherein said vehicle includes a vehicle passenger compartment area and said in-vehicle device is located external to said vehicle passenger compartment area and said user interface is electrically connected with and separate from said in-vehicle device, to allow said user to interact with said user interface from within said vehicle passenger compartment area.

Regarding claim 13, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said in-vehicle device further comprises:

a global positioning receiver interface for determining a geographic location of said in-vehicle device.

Regarding claim 14, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said in-vehicle device is retrofitted into said vehicle.

Regarding claim 15, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein said in-vehicle device further comprises a wireless transceiver.

Regarding claim 16, Cannon et al (figs. 1-4) disclose the system in accordance with claim 15 wherein, said wireless transceiver is at least one of the following: a wireless modem, a wireless phone, a cellular phone, a CDPD device, a CDMA device, a WCDMA device, a GSM device, a TDMA device, 2G type compliant device, a 3G type compliant device, INTEL PRO/WIRELESS 5000 LAN adapter device, IEEE 802.11 device, IEEE 802.11A device, IEEE 802.11B device, a spread spectrum transceiver, a single frequency transceiver, a dual frequency transceiver, a programmable storage device, a personal data assistant, a pager, or a pocket PC.

Regarding claim 17, Cannon et al (figs. 1-4) disclose the system in accordance with claim 16 wherein, said programmable storage device is at least one of the following: a pocket PC, a personal data assistant, a wireless phone, a pager, an RFID device, a smart card, a magnetic card, a key fob, a key chain, or a vehicle key.

Regarding claim 18, Cannon et al (figs. 1-4) disclose the system in accordance with claim 1, wherein wireless data communication between said in-vehicle device and said communication interface device utilizes at least one of the following communication protocols and/or standards: WIRELESS APPLICATION PROTOCOL, BLUE TOOTH, WCDMA, GSM, TDMA, CDMA, CDPD, 2Gtype compliant, 3G type compliant, a single frequency transceiver, a dual frequency transceiver, INTEL PRO/WIRELESS 5000 LAN, IEEE 802.11, IEEE 802.11A, or IEEE 802.11B.

Regarding claim 19, Cannon et al (figs. 1-4) disclose a system for wirelessly collecting vehicle data for a vehicle to provide to a user vehicle service recommendations and/or vehicle replacement part recommendations for the vehicle, the vehicle including a vehicle radio, said system comprising:

an in-vehicle device interconnected with the vehicle to collect the vehicle data;  
an analysis device (wireless piconet network 14, col. 2, lines 51-64; col. 5, lines 30-49) to analyze the collected vehicle data and to determine vehicle service recommendations or vehicle replacement part recommendations for the vehicle according to the collected vehicle data (col. 6, lines 59-67; col. 7, lines 29-31, lines 53-58); and

a communication interface device for data communicating wirelessly with said in-vehicle device, said communication interface device having a data communication connection with the analysis device,

wherein said in-vehicle device further comprises at least one of the following:

a vehicle monitor and metering interface for measuring and monitoring vehicle telemetry data;

a vehicle radio interface for interconnecting said in-vehicle device to a vehicle radio;

an alarm system interface for monitoring said vehicle security status;

a personal data assistant device interface for enabling data communication between said in-vehicle device and a user;

a user interface including a display, and a microphone for enabling a user to issue voice commands to said in-vehicle device; or

a global positioning receiver interface for determining a geographic location of said in-vehicle device,

wherein said in-vehicle device by way of said communication interface device data communicates with said analysis device.



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Regarding claim 20, Cannon et al (figs. 1-4; cols. 2-9) disclose a method of servicing a vehicle by utilizing wirelessly communicated vehicle data to determine vehicle service recommendations, or vehicle part recommendations for the vehicle, said method of vehicle servicing comprising the steps of:

- a) receiving collected vehicle data from an in-vehicle device, wherein said in-vehicle device is interconnected with said vehicle;
- b) obtaining diagnostic information related to said vehicle;
- c) determining the vehicle service recommendations, or the vehicle replacement part recommendations for the vehicle according to the collected vehicle data and diagnostic information; and
- d) allowing a user, from said vehicle, to review and to select at least one of the vehicle service recommendations, or at least one of the vehicle replacement part recommendations.

Regarding claim 21, Cannon et al (inherently) disclose the method of vehicle servicing (figs. 1-4) in accordance with claim 20 further comprising the steps of:

- a) receiving a selection from the user for the vehicle recommendations, or the vehicle replacement part recommendations; and
- b) effectuating an e-commerce or an e-business transaction to place an order for said user selected vehicle service recommendations, or to place an order for said user selected vehicle replacement part recommendations; and
- c) confirming said e-commerce, or said e-business order placement.

Regarding claim 22, Cannon et al (inherently) disclose the method of vehicle servicing in accordance with claim 21, wherein the step of confirming said e-commerce, or said e-business order further comprises the step of:

- a) charging fees for transacting said e-commerce, or said e-business transaction.

Regarding claim 23, Cannon et al (figs. 1-4; col. 2-9) disclose a method of vehicle servicing, said method of vehicle servicing comprising the steps of:

- a) monitoring vehicle data associated with the vehicle, said vehicle data being data communicated wirelessly between an in-vehicle device located in said vehicle and a communication interface device;

- b) analyzing said monitored vehicle data;

- c) obtain diagnostic information related to a determining of one or more vehicle service recommendations, or one or more vehicle replacement part recommendations;

- d) determining said one or more vehicle service recommendations, or said one or more vehicle replacement part recommendations according to the analyzed vehicle data and the diagnostic information;

- e) presenting said determined one or more vehicle service recommendations or said one or more vehicle replacement part recommendations to at least one of the following:

- a mechanic, a customer, a user, a manufacture, a service center, an auto part merchant, an appropriate plurality of agents, or an appropriate plurality of agencies; and

- f) allowing said user, from said vehicle, to review and to select at least one of said one or more vehicle service recommendations, or to review and to select at least one of said one or more vehicle replacement part recommendations.

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Regarding claim 24 Cannon et al (inherently) disclose the method of vehicle servicing (figs. 1-4; col. 2-9) in accordance with claim 23 further comprising the steps of:

a) receiving a selection from the user the at least one of said one or more vehicle service recommendations, or the at least one of said one or more vehicle replacement part recommendations;

b) effectuating an e-commerce or an e-business transaction to place an order for said user selected vehicle service recommendations, or place an order for said user selected vehicle replacement part recommendations; and

c) confirming said e-commerce, or said e-business order placement.

Regarding claim 25 Cannon et al (inherently) disclose the method of vehicle servicing in accordance with claim 24, wherein the step of confirming said e-commerce, or said e-business order placement further comprises the step of:

a) charging one or more fees for transacting said e-commerce, or said e-business transaction.

Regarding claim 26 Cannon et al disclose a method (figs. 1-4; col. 2-9) of performing remote vehicle diagnostics for a vehicle comprising the steps of:

a) receiving data at a communication interface device, said data being data communicated by an in-vehicle device located in the vehicle, or data communicated by a programmable storage device carried by a user;

b) communicating said plurality of data from said communication interface device to a remote location by way of a global network;

c) analyzing said data at said remote location;

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d) accessing one or more data processing resources to obtain diagnostic information related to determination of one or more vehicle service recommendations, and/or a determination of one or more vehicle replacement part recommendations;

e) determining said one or more vehicle service recommendations, and/or said one or more vehicle replacement part recommendations; and

f) allowing said user, from said vehicle, to review and/or to select at least one of said one or more vehicle service recommendations, and/or to review and/or to select at least one of said one or more vehicle replacement part recommendations.

Regarding claim 27 Cannon et al (inherently) disclose a method (figs. 1-4; col. 2-9) of performing remote vehicle diagnostics in accordance with claim 26 further comprising the steps of:

a) receiving a selection from the user the at least one of said one or more vehicle service recommendations, and/or the at least one of said one or more vehicle replacement part recommendations; and

b) effectuating an e-commerce or an e-business transaction by placing an order for said user selected said plurality of vehicle service recommendations, or by placing an order for said user selected said plurality of vehicle replacement part recommendations; and

c) confirming said e-commerce, or said e-business order placement.

Regarding claim 28 Cannon et al (inherently) disclose a method (figs. 1-4; col. 2-9) of performing remote vehicle diagnostics in accordance with claim 27, wherein the step of confirming said e-commerce or said e-business order further comprises the step of:

charging one or more fees for transacting said e-commerce, and/or said e-business transaction.

Regarding claim 29 Cannon et al (inherently) disclose a method (figs. 1-4; col. 2-9) of performing remote vehicle diagnostics in accordance with claim 26 wherein, said programmable storage device is at least one of the following: a pocket PC, a personal data assistant, a wireless phone, a pager, an RED device, a smart card, a magnetic card, a key fob, a key chain, or a vehicle key.

Regarding claim 30, Cannon et al (abstract, fig. 1) disclose a system for wirelessly collecting vehicle performance data for a vehicle to provide a vehicle service recommendation (col. 2, lines 64+) and/or a vehicle replacement part recommendation (col. 6, lines 59-67), wherein an analysis device (wireless piconet network 14, col. 2, lines 51-64; col. 5, lines 30-49) receives the collected vehicle performance data and determines the vehicle service recommendations and/or the vehicle replacement part recommendation for the vehicle (col. 6, lines 59-67; col. 7, lines 29-31, lines 53-58), said system comprising:

an in-vehicle device (44; figs. 1&2) to collect and to transmit the vehicle performance data to the analysis device 14 (fig. 1; col. 5, lines 30-57);

a receiving unit to receive and to display (col. 5, lines 58-67) the vehicle service recommendation and/or the vehicle replacement part recommendation to a user in the vehicle via the in-vehicle device from the analysis device 14 (col. 8, lines 32-43).

Regarding claim 31, Cannon et al (abstract, fig. 1) disclose a system for analyzing collected vehicle performance data from an in-vehicle device 44 to determine a vehicle service

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recommendation (col. 2, lines 64+) and/or a vehicle replacement part recommendation (col. 6, lines 59-67) to be provided to a user in the vehicle, said system comprising:

an analysis device (wireless piconet network 14, col. 2, lines 51-64; col. 5, lines 30-49) to analyze the collected vehicle data from the in-vehicle device 44 and to determine vehicle service recommendations (col. 8, lines 21-43) and/or vehicle replacement part recommendations for the vehicle according to the analyzed vehicle performance data and diagnostic information, corresponding to the vehicle, which relates to the analyzed vehicle performance data (col. 6, lines 59-67; col. 7, lines 29-31, lines 53-58); and

a communication interface device (wireless transceiver 34; col. 3, lines 43-65; col. 6, lines ) data for communicating data wirelessly with said in-vehicle device (44; figs. 1&2), and located external to the vehicle, said communication interface device (wireless transceiver 34; col. 3, lines 43-65) operatively connecting (fig. 2; col. 2, lines 51-68) the analysis device (wireless piconet network 14, col. 5, lines 44-49) to the in-vehicle device 44.

### *Response to Arguments*

3. Applicant's arguments filed 7/22/04 have been fully considered but they are not persuasive for the following reasons:

The applicant is arguing that the prior art reference Cannon does not disclose an analysis device to determine vehicle service recommendations or vehicle replacement part recommendations for the vehicle according to the collected vehicle data. The examiner respectfully disagrees. The applicant is relying only on one embodiment of the Cannon reference to support their argument. In Cannon, column 5, lines 44-49 indicates that the

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computation of various vehicle operational statistical parameters derived from raw data is calculated by either the controller in the vehicle or the fixed wireless piconet transceiver. In column 6, lines 25-38, Cannon indicates that vehicle operational statistics can be tracked and maintained in a centralized vehicle computer database 42 which is part of the piconet transceiver including a controller 32 (fig. 3). Then in column 6, lines 59-67, the tracked or monitored parameters or information include but not limited to mechanical performance, repair notifications, maintenance, etc. In column 7, more details of the tracked information are provided. Note that as already cited above, Cannon et al disclose that the tracking or computations are done either in the vehicle or in the wireless piconet transceiver.

The new independent claims 30 and 31 added are also anticipated by Cannon as rejected above. That is in claim 30, Cannon et al disclose “a receiving unit to receive and to display (col. 5, lines 58-67) the vehicle service recommendation and/or the vehicle replacement part recommendation to a user in the vehicle via the in-vehicle device from the analysis device 14 (col. 8, lines 32-43).”

Similarly in claim 31, Cannon et al disclose “an analysis device (wireless piconet network 14, col. 2, lines 51-64; col. 5, lines 30-49) to analyze the collected vehicle data from the in-vehicle device 44 and to determine vehicle service recommendations (col. 8, lines 21-43) and/or vehicle replacement part recommendations for the vehicle according to the analyzed vehicle performance data and diagnostic information, corresponding to the vehicle, which relates to the analyzed vehicle performance data (col. 6, lines 59-67; col. 7, lines 29-31, lines 53-58).”

It is therefore believed that the rejection is proper and stands.

*Communication*

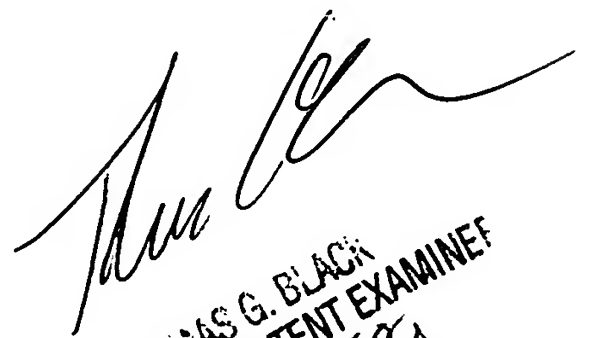
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 703-305-6318. The examiner can normally be reached on Mon-Thurs; 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Black can be reached on 703-305-9707. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronnie Mancho  
Examiner  
Art Unit 3663

11/4/04

  
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